

IN THE UNITED STATES DISTRICT
COURT FOR THE EASTERN DISTRICT
OF TEXAS MARSHALL DIVISION

NETLIST, INC.,)
Plaintiff,)
vs.)
MICRON TECHNOLOGY, INC.;) Case No. 2:22-cv-294-JRG
MICRON SEMICONDUCTOR)
PRODUCTS, INC.; MICRON) JURY TRIAL DEMANDED
TECHNOLOGY TEXAS LLC,)
Defendants.)

**PLAINTIFF NETLIST, INC.'S SUR-REPLY TO MICRON'S MOTION TO
STAY (DKT. 288)**

Micron does not dispute that it intends to raise substantially more invalidity arguments in this case than have been raised in IPR. Micron does not dispute that it believes it is not estopped from raising those arguments. As Judge Payne recently explained:

Further, if invalidity is not found, Micron has asserted that estoppel is limited to art explicitly asserted in the petition. *See* Dkt. No. 80 at 10; Dkt. No. 406 at 114–115. This form of estoppel carries a lesser likelihood of simplification of the issues on the two patents awaiting final written decisions.

Netlist Inc. v. Micron Tech. Inc., et al., 2:22-cv-203-JRG-RSP, Dkt. 416 at 5 (E.D. Tex. Jan. 3, 2024).

For the reasons set out in Opposition (Dkt. 326) and Sur-Reply (Dkt. 410) to Samsung's motion to stay, and for the additional reason of Micron's more limited estoppel as to invalidity theories, the Court should deny Micron's motion.

Dated: January 30, 2024

Respectfully submitted,

/s/ Jason G. Sheasby

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CERTIFICATE OF SERVICE

I hereby certify that, on January 30, 2024, a copy of the foregoing was served to all counsel of record via the Court's ECF System.

/s/ Isabella Chestney
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